

**COURTROOM MINUTES- ORDER**

JUDGE NANCY K. JOHNSON PRESIDING

DATE: April 4, 2014

ERO: Yes

MORNING 9:57-10:11 a.m. AFTERNOON

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CIVIL NO 4:12cv2862

APPEARANCES:

Jose A. Virgen Magdaleno

Plaintiffs,

vs.

PCM Construction Services,  
LLC

Defendant,

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Alfonso Kennard, Jr.  
Amanda Hernandez

Todd Prins  
Ricardo Cuellar

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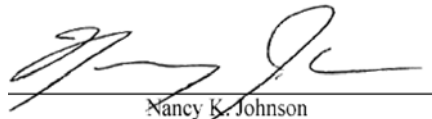
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NKJ: Motion Hearing.

Plaintiffs' Motion to Compel and Motion for Sanctions (Doc.81) is GRANTED. Defendant Miguel and Dawna Guerra shall answer Interrogatories 13 and 14, and turn over the federal and state tax returns for themselves as well as Defendant PCM Construction for the tax years 2009-2013. The courts finds that Defendant Miguel Guerra provided incomplete and evasive answers to most questions posed at his deposition and it must be retaken. Defendant Guerra's deposition will be reconvened in Houston, Texas on April 17, 2014 at 10:00 a.m. in Courtroom 700, where it will be supervised by the court.

Pursuant to Rule 37(b), Plaintiffs are awarded their out-of-pockets costs for the Guerras' unexcused failures to attend their noticed depositions as well as for the cost of Miguel Guerra's first deposition in the amount of \$1,509.65. The court also finds that additional sanctions for the

Guerras' non-appearances at scheduled depositions and for Miguel Guerra's non-responsiveness at his first deposition are appropriate as Plaintiffs' counsel has expended significant attorney time attempting to obtain discovery from Defendants. Plaintiffs shall submit an affidavit from their attorneys outlining the number of hours expended on the non-appearances and the first deposition of Miguel Guerra, the billing rates for their attorneys, and an explanation of the necessity of each billed item.



Nancy K. Johnson  
United States Magistrate Judge